

BOARD OF SELECTMEN

January 28, 2014

Minutes

The Board of Selectmen met on Tuesday, January 28, 2014 at 7:00 p.m. in the Town Hall Clark Room. Those present were Selectmen John Gorecki, Peter Scavongelli, John D. Williams and Douglas A. G. Stevenson. Town Administrator Timothy D. Goddard was also present. Selectman Hult was not present.

Also in attendance:

Fire Chief David Flannery

Police Chief John Fisher

Michael Hanauer, Long Ridge Road abutter

Dana Booth, Long Ridge Road abutter

Nathan Brown, Chair – Medical Marijuana Study Committee

David Freedman, Planning Board

Abbey Zimmerman, Vanessa Moroney, Samantha Rottenburg – Parents Connection

Mr. Gorecki said tonight the Board will finalize the letter to MassHousing relative to the proposed 40B development off Long Ridge Road. He went through the process to-date. He said one member from each of Boards provided comments on the proposed 40B development. The Board of Selectmen discussed this with Town Counsel and asked Attorney Harrington to prepare a draft letter to MassHousing. The Board met with Attorney Harrington again, reviewed the draft, made comments and as a result we have a letter containing all of the Town's concerns. Mr. Stevenson suggested highlighting the main concerns. Mr. Gorecki said the most important issues were: water, public safety concerns and public health concerns.

Mr. Gorecki asked those who were present for this discussion to come forward with their comments.

Dana Booth from River Road complimented the Board and Town Counsel on the completeness and thoroughness of this letter. Dana said the letter does not make any reference to the fact that the Town does not have any public water or a public sewer system. He suggested adding that under 'General Observations'.

Michael Hanauer from Long Ridge Road also thanked the Town for this letter. He said it exudes credibility. He suggested that there be liability provisions.

Mr. Scavongelli said the letter that was handed out was good; he also liked Dana Booth's suggested addition. Mr. Gorecki was agreeable with adding a sentence requesting that the applicant post a bond in the event that a neighbor's well became contaminated or went dry due to this new development.

In reply to Mr. Stevenson, Mr. Gorecki said the only other change is relative to the cistern. He said we need to clarify that a minimum size cistern is 30,000 gallon however for developments over 12 units a 45,000 gallon cistern is required.

On a motion made by Mr. Scavongelli and seconded by Mr. Stevenson, it was unanimously **VOTED** to approve the letter to MassHousing regarding the Long Ridge Road 40B development as amended at tonight's meeting and authorize Town Counsel to sign it on behalf of the Town of Carlisle.

Town Administrator Report

Board of Selectmen

January 28, 2014

1

Approved: 2/25/14

1. Mr. Goddard said the School Building Committee has reviewed and recommended to the Board for approval Change Order #22 with H.V. Collins Co., Inc. the general contractor for the School Building Project. The total amount of the proposed change order is \$7,908.00.

On a motion made by Mr. Williams and seconded by Mr. Stevenson, it was unanimously **VOTED** that upon the recommendation of the School Building Committee, the Board of Selectmen approves the amended contract with H.V. Collins Co., Inc. in the amount of \$7,908.00 as specified in the attached Change Order #22 as prepared by HMFH Architects.

2. Mr. Goddard gave an update on the Snow and Ice Budget. He said approximately \$2,000 remains from the \$65,000 that was budgeted for snow/ice removal this fiscal year. Mr. Goddard said MGL Ch. 44, § 31D permits communities to exceed this appropriation if approved by the Board of Selectmen and Finance Committee. Mr. Goddard asked the Board to vote to allow the Town to exceed the FY14 Snow & Ice appropriation for the remainder of the winter. He added that the Finance Committee will also make this approval.

On a motion made by Mr. Scavongelli and seconded by Mr. Stevenson, it was unanimously **VOTED** to approve any necessary expenditure in excess of the amount appropriated for snow and ice removal this fiscal year in accordance with Mass. General Laws, Ch. 44, s. 31D.

3. Mr. Goddard said the Energy Task Force has been discussing with the Town of Concord applying for a grant that would fund an Energy Manager position that would be shared between the two communities. The Board decided to defer the discussion on the grant opportunity to the next meeting.

Mr. Goddard said the Board has received communication from Kirk Bishop who is the President of Police Local 201A, the Dispatchers Union requesting that we begin negotiations with the Union for a successor agreement. Mr. Goddard said normally the Board appoints two members to be liaisons for that bargaining process. This is their three year contract that will expire in July, 2014. Mr. Goddard it would be good to have this done before Town Meeting. Mr. Gorecki said he would be willing to work on the negotiations. Mr. Stevenson was willing to assist him.

FY15 Budget Review: Fire Department and General Expenses

Chief Flannery was present to discuss his proposed salary increases for the Fire Department. David said the budget he discussed with the Finance Committee includes \$26,000 in the second phase of the 3-year compensation plan for the Fire Dept. David said included in the overall proposed increase to the Finance Committee is approximately \$6,500 in line adjustments. These are lines that went consistently over. They were basically in maintenance of building, vehicles, etc.

David said he has run into difficulty staffing the on-call Fire Department. He said in data that was collected over 2012 and 2013, there were seven calls out of 400 that we were below minimum staffing. David said no one was available to respond for a call. He said that means there are some people who are on the roster who are not available for their appointed time and therefore it seems others in the department are doing more work.

David spoke about the Ambulance Receipt fund which has approximately \$240,000. This year he is proposing stipends for availability of personnel. He spoke with the Fire Department's officers and they agreed with this proposal. David said he was asking for the Board's approval to use \$12,000 from the Ambulance Receipt Account for stipends in the FY15 Budget.

David said there are two pieces of equipment he would like to purchase and pay for from the Ambulance Receipt Account. The first one is a 'chest compression system'. He said it is more effective than CPR. He said it costs about \$15,000.00. The second item is an Ambulance Cot Replacement for \$19,000.00.

David said he reviewed these calculations with the Finance Committee and they agreed that the Fire Department should be able to replace the ambulance in FY19/FY20.

Mr. Scavongelli asked if the FinCom supported this proposal. David said Larry Barton did not seem concerned with this. *Mr. Stevenson recused himself from this discussion.*

Mr. Gorecki said it is important to maintain the 'call' Fire Department in Carlisle. He said supporting the Fire Department and maintaining the staff is money well spent.

Mr. Williams said he supports the Budget David presented with the increased stipend.

Mr. Scavongelli said he supports this budget however he was concerned whether this stipend would strengthen the volunteers.

The Chief spoke about the communications tower. He said they began repairing the present communications tower which is located on the Grant Building. The antenna needed to be raised higher to be above the tree line. David agreed that it is a major expense to do this but it will solve communication problems for distance and signals for emergency personnel for many years. It is a very critical and important project. He spoke to the Finance Committee about the project. He is asking to be able to access funds that were appropriated by the Town for communications upgrades to expend on engineering services for the tower. He said we need to have the engineer develop the plans for structure of the tower as well as the specifications. David said the project price right now is \$150,000 which excludes the \$8,000 cost for the engineer.

Mr. Gorecki said the Long Term Capital Requirements Committee (LTC) discussed this project and decided not to include it in this years' list of projects. He said the Committee did say that they would support this project moving forward as it is very important. He said we need to realize how to fund it.

There was a discussion on recovering funds that were leftover from completed projects. The Finance Committee felt it was necessary to repurpose these funds. Mr. Gorecki said Larry Barton has identified approximately \$35,000 from some of previous warrant articles.

On a motion made by Mr. Stevenson and seconded by Mr. Williams, it was unanimously **VOTED** to authorize up to \$9,000 from the Tower Fund for the Fire Chief to undertake the engineering services necessary to replace the Communications Tower on School House Hill.

Mr. Goddard spoke about the Town Hall General Expenses. He said General Expenses covers many items; Town Administrator, Board of Selectmen, Zoning Board of Appeals, Town Accountant, Housing Authority and Town Hall. Mr. Goddard spoke specifically about Town Hall. He is requesting a 3% increase. He explained the additional costs Town Hall has taken on plus he proposed increasing the custodian's hours from 35 to 40.

Review Annual Town Meeting Warrant

Carlisle Medical Marijuana Study Committee – Proposed Bylaw Changes Draft

Nathan Brown, chair of the Medical Marijuana Study Committee presented proposed Bylaw changes in Draft form. He said this is the report of the Medical Marijuana Study Committee and their proposal. Nathan gave a brief background on this matter. He said in November 2012 the Massachusetts voters approved a ballot question which allows patients with certain medical conditions to obtain and use medical marijuana. The law took effect in January, 2013 however no regulations relative to dispensaries had been established. The Department of Public Health had 120 days to issue regulations. Nathan said at the April 2013 Town Meeting the Town residents voted to support a moratorium on this matter which gave a Study Committee time to work on Bylaw Changes relative to this matter. He said the members of the Study Committee are: Chief John Fisher, Lisa Davis Lewis- ZBA, Donna Margolies- Board of Health, Nathan Brown-Planning Board, Peter Scavongelli –Board of Selectmen, and Town Counsel.

Nathan said there are many regulations that the State has requested however there are two key issues they did not address, which the Committee thought should be focused on. He said they did not specify where in the Town an RMD could be built, meaning that it could be built in a residential district or commercial district. The other issue was the concept of sensitive receptors. The State law says that an RMD has to be 500 feet from where children gather, however the Federal law says it has to be 1,000 feet in distance. That is a discrepancy that they want to address.

Nathan said there is a lot of interest by non-profit organizations to open an RMD. He said in looking at State regulations and talking with Town Counsel, the Committee recommends that we follow what our

neighboring Towns are doing and establish our bylaw to address the basic parameters for the applications that may come to Carlisle.

Nathan spoke about the recommendations for the new bylaw. He said they proposed a new section in our Bylaw, Section 5.10 that would allow a RMD by special permit only in a business district other than Carlisle Center Business District, by special permit granted by the Planning Board, provided the RMD meets the requirements of this Section 5.10 and that the RMD is not within 1,000 feet of a 'sensitive receptor'; that the Planning Board is the special permit granting authority and because they are the special permit granting authority they may adopt regulations regarding the process.

Nathan spoke about a few of the details in the bylaw.

The first section was **Definitions- 5.10.1** Nathan explained what they basically defined as a Medical Marijuana Treatment Center [registered marijuana dispensary 'RMD'].

Purpose- 5.10.2 – Provides for the establishment of an RMD in an appropriate location within the Town and regulates the siting, design, placement, security, safety, monitoring and discontinuance of RMDs.

Applicability -5.10.3-The commercial cultivation, production, processing, assembly, packaging, retail or wholesale sale, trade, distribution or dispensing of Marijuana for Medical Use is prohibited unless permitted as a RMD under Section 5.10.

General Requirements and Conditions for all RMDs – 5.10-4-This area refers to the cultivation and storage of marijuana for Medical use. It has to be in a secure and enclosed locked area.

Special Permit Procedures – 5.10.5 In addition to what is normally required in a site plan, the details showing all exterior proposed security measures for the premises, including, but not limited to lighting, fencing, gates, and alarms to ensure the safety of employees and patrons and to protect the premises from theft or other criminal activity have to be provided.

Nathan said they are also proposing that **Section 3.3.2 be amended**. Although they are minor changes, it will allow the RMD permissible use in the Business District other than the Carlisle Center Business District by special permit of the Planning Board.

Nathan said **Section 3.5** removes the Moratorium. (the Interim Regulations for Medical Marijuana Uses that was adopted at last Town Meeting)

In Section 7.2 Nathan said we are adding RMDs to Special Permits for which Planning Board, not the Zoning Board of Appeals is the special permit granting authority.

In Section 7.6 Site Plan Review – amending /adding Section 5.10 'medical marijuana treatment centers'.

Mr. Gorecki thanked the Committee for all the work they did on this Bylaw. He said it required a lot of detail. In reply to Mr. Gorecki, Nathan said the above does not apply to personal growing of marijuana.

Nathan said they reported to the Board of Health, Zoning Board of Appeals and the Planning Board and they have received feedback from each. They have all voted to support this bylaw amendment and they are seeking the support of the Board of Selectmen.

Mr. Gorecki said because this is a Committee created by Town Meeting, the Board of Selectmen has to accept the report from the Committee and separately refer the bylaw to the Planning Board for their hearing and process. David Freedman (present from the Planning Board) said the Selectmen have to recommend the bylaw to them(self) first, place it on the warrant, and then refer it to the Planning Board for a public hearing.

On a motion made Mr. Scavongelli and seconded by Mr. Stevenson, it was unanimously **VOTED** to accept the report of the Medical Marijuana Study Committee and, pursuant to General Laws Ch. 40A, section 5, refer the proposed zoning bylaw to the Planning Board for review. The Board agreed to sponsor and include on the 2014 Annual Town Meeting Warrant a new Section 5.10 and amendments to Section 7.2 and 7.6.1, 3.3.2, and 3.5 of the Zoning Bylaws regarding Medical Marijuana Treatment Center (RMDs), the specific language of this warrant article will not be finalized until after comments from the Planning Board review have been received and Town Counsel has reviewed it as to form.

On a motion made by Mr. Williams and seconded by Mr. Stevenson, it was unanimously **VOTED** to recommend the bylaw changes as discussed tonight to ourselves.

On a motion made by Mr. Williams and seconded by Mr. Scavongelli, it was unanimously **VOTED** to refer the bylaw changes to the Planning Board.

Carlisle Parents Connection

Mr. Gorecki said at our last meeting the Board discussed the possibilities of the Carlisle Parents Connection (CPC) becoming a Town committee under the Youth Commission. Abbey Zimmerman, Vanessa Moroney and Samantha Rottenburg were present from the CPC. Vanessa said they met with the Youth Commission but have not met with the Recreation Commission. Mr. Gorecki said we cannot form a committee tonight. He asked them to explain what the CPC does. Vanessa said it is an organization for families with children 0 to 5 years old. She said they have many events throughout the year as well as many play groups. They said they wanted to be a part of the town. They explored being under the Youth Commission however they suggested/referred them to the Recreation Commission.

In reply to Mr. Gorecki, Vanessa said the CPC has a membership fee and they also charge event fees.

Mr. Stevenson read the Recreation Commission's bylaw. He felt we did not need to create anything new, or a new mission statement. The CPC said their goal is to not make any additional work for staff workers in Town Hall. Mr. Gorecki said we need to get feedback from RecCom on how they would like to work on this process. He said he would be willing to contact them and make arrangements to meet with them.

Annual Town Meeting Warrant

Mr. Goddard said this is a very preliminary draft document. He said the first nine articles pertain to the 'consent agenda'. He said Larry Barton has informed him that the article for 'Revaluation' for the Assessors has a very significant balance and he recommended taking it off the warrant.

Mr. Gorecki said the cash transfer to the Stabilization will be removed from the warrant because it will not occur this year.

Article 12. Mr. Goddard said he was not sure if we would have transfers from the overlay account.

Article 13. Mr. Goddard said we are leaving this in for the dispatcher's union collective bargaining agreement.

Article 14 Mr. Gorecki said the FinCom is proposing to put \$100,000 of free cash toward the debt service. He said we will hear more about this at our next meeting with the FinCom.

Article 15 is a transfer from the ambulance receipts. Mr. Goddard said we are leaving this article in but it will have a different number.

Article 16 is the Budget Article. Mr. Goddard said he left last year's figures in this warrant to hold the warrant together, however everything will change.

Article 17 is for additional appropriations for Professional services. Mr. Goddard was not sure if we will need the same list as last year. The amount for the updates to the GIS maps may change but the COA Social Worker and Financial Consulting services for the Accountant will remain on the list.

Article 18 is for the Long Term Capital recommendation.

Article 19 is for the Library Septic System, which was on the Warrant last year. Mr. Goddard explained that the project went through the bidding process however there were not enough funds to do the project. Mr. Goddard said this article will remain on the Warrant and we will talk to Town Counsel to clarify how we can seek to amend the vote to increase the appropriations to complete the project.

Article 20 is a placeholder for a capital project, which perhaps will be the Communications Tower.

Article 21 is for establishing the OPEB trust and placing the initial fund in the Trust fund. Mr. Goddard said Town Counsel informed us that since the laws have changed since the first time we accepted OPEB that we have to accept the provisions of MGL Ch. 32B s.20 again and in the same article and motion make the contribution to OPEB.

Article 22 is the Community Preservation Act annual authorization.

Article 23 refers to the Animal Control Officer. Mr. Goddard said Chief Fisher brought this issue to his attention. He said the animal control issues quite often end up in his department and he has a lot of interaction with the animal control officer. He felt that this position of the animal control officer should be appointed by the Police Chief and be under the Police Department (not the Board of Selectmen). Mr. Gorecki said this would be a bylaw change; but a general bylaw change.

Article 24 is an article relative to the Community Preservation Act relating to revisions to include Historic and Recreation Commission uses.

Article 25 refers to MGL Ch. 43D (Mullin Rule) Mr. Goddard explained that this article provides that if a member of a board, committee or commission that is holding a hearing will not be disqualified from voting in the matter solely due to the member's absence from one session of such hearing, provided that certain conditions as set forth in the statute are met.

Article 26 is the Zoning Bylaw Amendment for Medical Marijuana.

Article 27 is for the Amendments to the District Agreement of the Minuteman Regional Vocational School District. Mr. Goddard said there is a meeting on Thursday, Feb. 13th at the Minuteman School to discuss the amendments that are being recommended. Mr. Gorecki suggested that someone from the Minuteman School attend one of the Board's meetings to go over this article.

Article 28 is a zoning Bylaw Amendment relative to the FEMA Wetlands Maps. Mr. Goddard said if we want to put this article on the warrant, we will have to refer it to the Planning Board for review. This is an amendment to the Wetland/Flood Hazard District.

On a motion made by Mr. Stevenson and seconded by Mr. Williams, it was unanimously **VOTED** that pursuant to General Laws Ch. 40A, section 5, the Board refers the proposed zoning bylaw amendment to the Planning Board for review. The Board agrees to sponsor and include on the 2014 Annual Town Meeting Warrant a new Subsection 2.2 of the Zoning Bylaws regarding Location of Districts, the specific language of this warrant article will not be finalized until after comments from the Planning Board review have been received and Town Counsel has reviewed it as to form.

Article 29 refers to amending General Bylaws Section 3.23.2 to reduce the size of the Council on Aging from 11 to 9 members.

Mr. Goddard said there were a few additional articles that he was still anticipating. They were: Banta Davis, Highland Building, Cranberry Bog License Agreement, insurance reimbursement transfer to the Library budget (has to be done by Town Meeting), an Article to repurpose old capital warrant articles, and a bond premium transfer for debt service.

Mr. Williams said he would like to add a line item for the insurance reimbursement and another for the transportation for individuals with disabilities.

Mr. Stevenson brought the Board's attention to a letter that was sent by Brigitte Senkler. He said some of her concerns were about a number of lots in Town that are considered non-compliant. Mr. Goddard said the Planning Board discussed this issue last night and the Planning Administrator has sent a memo explaining their thoughts on the matter. Mr. Goddard said a part of what Mrs. Senkler states in her letter is that there seems to be a lot of ambiguity in the bylaw. The Planning Board feels the bylaw is not ambiguous and Town Counsel has concurred with that. Mr. Stevenson did not agree the Planning Board and suggested there was a need to put this matter on a future agenda for further discussion.

New Business

Mr. Williams said he spoke with someone at the Board of Selectmen's office in Concord about Municipal Lights. He said either Selectmen Jeff Wieand or Elise Woodward will get back to him. He learned that Municipal Light Company would be happy to discuss this however the 'hats' (Hanscom Area Town Selectmen) Selectmen were unsuccessful at the state legislature level. (Concord, Lexington, Lincoln & Bedford) He said it is still worth having a discussion with Concord Town Manager Chris Whelan on this matter.

Mr. Williams said he had a conversation with Jim Nihan from the Department of Transportation. He is proposing is to have Carlisle become a pilot program. He explained what the program would provide. He said the LRTA has funds that the COA could use. It would cost about \$ 15,000 per year. Mr. Williams said we may have to create another line item to do this. It could be similar to the Social Worker's line item. Mr. Gorecki asked if there were any adjacent towns that we could share this service with. Mr. Williams suggested having a meeting with Jim Nihan.

Appointments

On a motion made by Mr. Stevenson and seconded by Mr. Williams, it was unanimously **VOTED** to appoint the following to the Carlisle Agricultural Commission: Jack Valentine for a one year term, Andrew Rogers and Leslie Thomas for two year terms, Peter Mastromarino and Steve Huberman for three year terms and additionally the following to be appointed as associate members for a one year term: Alex Rollins, Kay Fairweather, Judy Asarkof, John Lee, Marlow Duffy, Jon Storer, Frank Procter, and Steve Carlin.

Liaison Reports

Mr. Gorecki said at the Financial Management Team meeting this morning, the tax collector reported that the taxes are due February 3, 2014. Collection has been normal to-date. FY13 taxes are closed.

Larry said a Bond Anticipation Note (BAN) in the amount of \$1.2million note is maturing on March 6, 2014. This amount includes \$800,000 relating to the School Building project and \$400,000 for the purchase of the Goff property. Larry has proposed to roll-over the BAN for one year for the \$400,000 and roll-over the \$800,000 BAN for six months. Larry will be present at the Selectmen's February 25th meeting to review the documents and ask the Board to sign same.

Mr. Gorecki said the local receipts were presented by the Town Accountant and they were down slightly.

Executive Session

At 10:17 a motion was made by Mr. Williams to go into Executive Session pursuant to MGL 30A (21a) paragraph 2, to discuss strategy sessions with non-union personnel and to conduct collective bargaining sessions and litigation with non-union personnel, not to return to open session.

The motion was seconded by Mr. Stevenson and the following roll call vote was taken: Gorecki – aye; Scavongelli – aye; Stevenson – aye; and Williams – aye.

Respectfully submitted by Margaret Arena